

Michael Dieni  
Assistant Federal Defender  
FEDERAL PUBLIC DEFENDER  
FOR THE DISTRICT OF ALASKA  
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Attorney for Defendant

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES J. MOSLEY JR.,

Defendant.

Case No. 3:04-cr-00075-JKS

**MOTION FOR APPOINTMENT  
OF COUNSEL**

Defendant, Charles J. Mosley, Jr., by and through counsel, Michael D. Dieni, Assistant Federal Defender, asks this court for an order re-appointing counsel in connection with a motion pursuant to 18 U.S.C. § 3582(c) to reduce his sentence based upon the retroactive amendment to the cocaine base sentencing guideline. A preliminary review of Mr. Mosley's case suggests that he is eligible for such a motion.

The court originally appointed the Federal Defender to represent Mr. Mosley because of his indigent status. Mr. Mosley is currently in custody in connection with the judgment in this case and, on information and belief, and the financial affidavit filled out by him, his financial circumstances prevent him from retaining private counsel.

This motion is submitted pursuant to 18 U.S.C. §§ 3006A, 3582(c)(2) and is based upon the affidavit of counsel and the financial affidavit (being filed concurrently and under seal).

DATED this 21<sup>st</sup> day of May 2008.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER  
FOR THE DISTRICT OF ALASKA

/s/Michael D. Dieni  
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Certification:

I certify that on May 21, 2008,  
a copy of the ***Motion for Appointment  
of Counsel*** was served electronically on:

Bryan D. Schroder  
Assistant U.S. Attorney  
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/s/Mike Dieni \_\_\_\_\_